

# ***City of Chattanooga SUBDIVISION REGULATIONS***

## ***ARTICLE 1 - General Provisions***

### **101 - TITLE**

Regulations establishing the minimum requirements for the design standards of subdivisions; for the surveying and platting requirements there of; providing for certain preliminary and final plat requirements, and for the submission, review, and approval of same; for the recording of the final plat; defining certain terms used herein; providing for the administrations and enforcement and the penalties for violation thereof; providing for the means of adoption and amendment; repealing all regulations, resolutions ordinances and/or codes in conflict herewith

#### **101.1 - Short Title**

These regulations shall be known as the: Subdivision Regulations of Chattanooga, Tennessee

### **102 - INTENT OF REGULATIONS**

**102.1** - It is hereby declared to be the policy of the local government to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the local government pursuant to the General Plan of Hamilton County for the orderly planned efficient, and economical development of the local government.

**102.2** - Land to be subdivided shall be of such character that it can be used safely for building or other purposes with out danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until proper provision has been made for adequate water and electrical service, drainage, access, and acceptable method for sewage disposal.  
(This section is designed to discourage the development of land that is beyond the limits of services provided by local governments and local utilities.)

**102.3** - The existing and proposed public improvements shall conform to and be properly related tot he proposals shown in the General Plan, and the capital budget and program of the local government and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, General Plan, and capital budget and program of the municipality or county.

### **103 - PURPOSES**

The regulations are adopted to provide for the harmonious development of the local governments listed in Section 101.1; for the coordination of streets within the subdivided land with other existing or planned streets or with the state or regional plan or with the plans of municipalities in or near the region; for adequate open spaces for traffic, light, air and recreation; for the conservation of or production of adequate transportation, water, drainage and sanitary facilities; for the avoidance of population congestion; for the avoidance of such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation or other public services or would necessitate an excessive expenditure of public funds for the supply of such services; and for the requirements as to the extent to which and the manner in which streets shall be graded and improved and water and sewer and other utility mains, piping, connections or other facilities shall be installed or bonded as condition precedent to the approval of the plat.

### **104 - AUTHORITY**

The authority for these regulations has been established by virtue of the powers vested by the State of Tennessee in CT Sections 13-3-401 through 13-3-411 and TCA Sections 13-4-301 through 13-2-309.

#### **104.1 - Approving Agency**

In accordance with the provisions of T.C.A. Sections 13-3-402 and 13-4-302  
(The TCA Sections 13-3-402 and 13-4-302 are both included since one deals with Municipal Planning Regulations and the other deals with Regional Planning Regulations, which encompasses the unincorporated portions of Hamilton County. )  
(Public Acts of Tennessee, 1935, as amended, the provisions of these regulations shall be administered by the CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING COMMISSION.)

The Planning Commission does hereby exercise the power and authority to review, approve, and disapprove plats for the subdivision of land within the limits of the local governments which show lots, blocks, or sites with or without new streets or highways.

**104.2** - Regulations of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise

of valid police power delegated by the State of the Regional Planning Commission and to the Municipal Planning Commissions in TCA 13-3-402 and 13-4-302. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economic development of the local government therein and to the safety and general welfare of the future lot owners in the subdivision and the community at large.

## **105 - JURISDICTION**

**105.1** - These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the limits of the local governments listed in Section 101.1

**105.2** - Subdivision means the division of a tract or a parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of subdividing or to the land or area subdivided. (Amended 7-11-88)  
( See T.C.A. 13-4-301.)

**105.2.1** - The regulations shall not apply to:  
( See T.C.A. 13-3-407, 13-3-408, 13-3-401, and 13-4-301

- a. Any subdivision, the plat of which has been recorded prior to February 14, 1935 or
- b. The subdivision of land which will produce tracts of land, all of which are greater than five (5) acres in size when no street or utility is to be constructed.(Amended 8-13-84)

## **106 - INTERPRETATION, CONFLICT AND SEPARABILITY**

**106.1** - In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

### **106.2 - Conflict with Public and Private Provisions**

#### **106.2.1 - Public Provisions**

The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

#### **106.2.2 - Private Provisions**

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction.

#### **106.3 - Separability**

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdictions such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Commission hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

## **107 - SAVING PROVISION**

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, by lawful action of any local government, except as shall be expressly provided for in these regulations.

## **108 - ENFORCEMENT, VIOLATIONS AND PENALTIES**

**108.1** - No plat of a subdivision of land lying within the limits of the local governments listed in Section 101.1 shall be filed for record, or recorded, until it shall have been approved by the Planning Commission, and such approval be endorsed in writing on the plat by the secretary of the Commission or his duly appointed representative.  
(T.C.A. 13-3-402 and 13-4-302)

**108.2** - The County Register shall not receive, file, nor record a plat of a subdivision without the approval of the Planning

Commission, and the County Register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.  
(T.C.A. 13-3-402 and 13-4-302)

**108.3** - Any plat of a subdivision recorded by the County Register without the approval of the Planning Commission shall be void.

**108.4** - No changes, erasures, modifications, or revisions shall be made on any plat of a subdivision after the plat has been endorsed by the secretary of the Planning Commission unless said plat is first resubmitted to the Planning Commission.

**108.5** - Whoever, being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required by these regulations and before such plat be recorded in the office of the County Register, or who falsely represents to a prospective purchaser of real estate that roads or streets will be built or constructed by the county or municipality, shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument or transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Provided, however, said owner or agent of any land may sell, transfer or agree to sell any lot or lots shown on a plat having been given preliminary approval by the Planning Commission; and provided, further, said owner or agent post bond in form and amount and with conditions and surety satisfactory to the local government and expressed in the bond. The local government, through its attorney, may enjoin such transfer or sale or agreement by action or injunction.  
(T.C.A. 13-3-402 and 13-4-302)

## **109 - AMENDMENTS**

These regulations may be amended by the Chattanooga-Hamilton County Regional Planning Commission at a regular or called meeting. Before the adoption of any amendment, a public hearing shall be held by the Planning Commission, fifteen (15) days notice of the time and place of which shall be given by one (1) publication in a newspaper of general circulation in Hamilton County.  
(T.C.A. 13-3-403 and 13-4-303)

## **110 - FEES FOR PROCESSING PLATS**

The Planning Commission may require a fee for each subdivision plat submitted for review.

## **111 - APPLICATION FOR VARIANCES**

(The Planning Commission realizes that it cannot write regulations that would cover every conceivable circumstance that could arise in the development a subdivision. There is a need to allow variances. However, the variances should not be granted just because the developer wants to do something contrary to the design standards established in these regulations. The procedures listed under Section 111 will help the Planning Commission to determine why a variance is necessary, what choices were considered to alleviate the need for the variance, and why the granting of the variance would not have a detrimental effect on the subdivision or the community.

The developer or surveyor or surveyor/engineer who wishes to request a variance from the requirements of these subdivision regulations shall submit a letter to the Chattanooga-Hamilton County Regional Planning Commission with his plat. The letter shall:

- a. state precisely the item(s) for which a variance is being requested, and
- b. state the practical difficulty or unnecessary hardship that would be caused by adhering to these regulations, and
- c. state the design alternative(s) that was considered to eliminate the need for the variance(s), and the reason(s) that the the design alternative(s) is not practical, and
- d. state the detrimental effect to the subdivision or the community if the variance is not granted. (Amended 3-16-81)

### **111.1 - Planning Commission Action on Variance Requests**

In the Planning Commission's actions on subdivision plats, the Planning Commission shall approve, approve with modifications, defer, or disapprove the request for variances before acting on the individual plat. The Planning Commission may grant variances from these regulations in cases where the Planning Commission determines:

- a. That unusual physical or other conditions exist which would cause practical difficulty or unnecessary hardship if these regulations are adhered to, and
- b. that the granting of a variance will not be detrimental to the public interest, and
- c. that the variance will not be in conflict with the intent and purpose of these regulations.

**111.2** - Any variance that is granted, and the justification for granting the variance, shall be in writing in the minutes of the Planning Commission.

**111.3** - In the event that a variance is denied, the reason(s) for denial shall be stated in writing in the minutes of the Planning Commission.

**112 - APPEAL**

(No action by any governmental agency should be final without some method of appeal being granted to anyone who feels that he has been aggrieved by a decision of that agency. Therefore, the method of appeal is spelled out here.)

Any person, firm, or corporation who believes that he has been aggrieved by a decision of the Planning Commission in approving, denying, deferring, or granting a conditional approval of a plat may present their petition to a court of competent jurisdiction.